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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	<b>10/766,122</b>
	Filing Date	<b>January 27, 2004</b>
	First Named Inventor	<b>Hoffmann et al.</b>
	Art Unit	<b>1624</b>
	Examiner Name	<b>Kahsay, H., Ph.D.</b>
Total Number of Pages in This Submission	Attorney Docket Number	<b>21558 US</b>

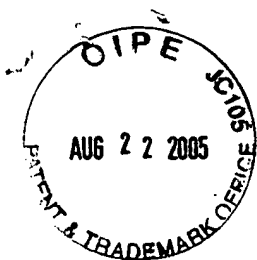
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	<b>Kimberly J. Prior</b>
Signature	<i>Kimberly J. Prior</i>
Date	<b>8/19/2005</b>

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	<b>Kimberly J. Prior</b>		
Signature	<i>Kimberly J. Prior</i>	Date	<b>8/19/2005</b>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Hoffmann et al.

Group: 1624

Examiner: Kahsay, H., Ph.D.

Serial No. 10/766,122, filed January 27, 2004  
(Ref. No. 21558 US)

For: **NEW CRYSTALLINE MODIFICATIONS OF 2-(3,5-BIS-TRIFLUOROMETHYL-PHENYL)-N-[6-(1,1-DIOXO-1 $\lambda$ <sup>6</sup>-THIOMORPHOLIN-4-YL)-4-(4-FLUORO-2-METHYL-PHENYL)-PYRIDIN-3-YL]-N-METHYL-ISOBUTYRAMIDE**

**RESPONSE TO RESTRICTION REQUIREMENT**

Nutley, New Jersey 07110

Date: August 19, 2005

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This election is filed in response to the Restriction Requirement issued August 1, 2005, in connection with the above-identified patent application. A response to this Office Action is due September 1, 2005. Applicants respectfully request consideration of the following remarks.

Claims 1 to 30 are pending. The claims have been restricted to the following two groups.

- I. Claims 1 to 15 and 28 to 30, drawn to crystalline modification of 2-(3,5-bis-trifluoromethyl-phenyl)-N-[6-(1,1-dioxo-1 $\lambda$ <sup>6</sup>-thiomorpholin-4-yl)-4-(4-fluoro-2-methyl-phenyl)-pyridin-3-yl]-N-methyl-isobutyramide, composition and process of making, classified in class 544, subclass 58.2.
- II. Claims 16 to 27, drawn to a method of treating central nervous system disorders, classified in class 514, various subclasses.